IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.369 OF 2007.
IN
APPEAL FROM ORDER NO.750 OF 2006.

Prafulchandra Patil & another. ... Applicants.
Versus.
Francis Fernandes & others. ... Respondents.

Shri G.S.Bhatt for the Applicants.

Mrs.Geeta Joglekar for Respondent-BMC.

Ms.Nipa Singh for Respondents Nos.1 to 6.

Shri A.R.Patil, A.G.P. for the Respondent No.4.

CORAM : ABHAY S.OKA, J.

DATED : 19th April, 2007.

P.C.:

1. Heard the Advocates appearing for the parties. The Advocate appearing for the original Appellants seek time. It is not in dispute that by the order impugned in the Appeal from order, the present Applicant No.1 has been directed to be impleaded as a party Defendant to the suit. As Applicant No.1 is ordered to be impleaded as a party Defendant, till such time the said order is not set aside, the Applicant No.1 is certainly a necessary and proper party to this Appeal. Accordingly the Appellants in the Appeal from order are directed to implead the Applicant No.1 herein as a party Respondent to the Appeal. It is made clear that the grant of this application shall not be construed as acceptance of the various contentions raised by the Applicants in this Application and all issues on merits are expressly kept

open.

2. Liberty is gratned to the added Respondent in the Appeal to take out separate application in so far as prayers (b) and (c) made in this Application are concerned. The Application is disposed of. The amendment to be carried out within six weeks.

Judge.